93-629 (1)

Supreme Court, U.S.
FILED
AUG 30 1993
OFFICE OF THE CLERK

No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

CLEMENT A.ST.HILAIRE
(Petitioner)

vs.

GRACE A.ST.HILAIRE
(Respondent)

PETITIONER FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT

OF APPEAL FOR THE

FIRST CIRCUIT

PETITIONER: PRO-SE

CLEMENT A.ST.HILAIRE
1133 CENTER STREET
P.O. BOX 3163
AUBURN, MAINE 04212
(207) 782-7771

11 pp

QUESTIONS PRESENTED

1. Whether depriving One's Personal Property Rights (of Rental Income) with Lack of Substantive Due Process of Law, and denied Cross-Examination of Witness, contrary to the Constitutional Law.

2. Whether "Evading Review" of actual Matters of contraversy in dispute or depriving Equity Capable of Repetation of a "Moot Issue".

3. Whether Justice is a Majesty reck lessly disregarding previous Courts orders, with a closed mind, and Prejudice, Suppressing the Evidence, that promotes fraud, is just in a Sanction of Contempt.

4. Whether a Demand of a Trial by Jury on the "Equity Rights with lack of Confrontation a violation of the Constitution.

5.Whether The Law Court has violated The First Amendment of Equal Property Rights in protection on a Post Divorce Judgment by"Evading Review" of a Pro-Se Rights or was it Prejudice.

6. Whether a Tenant held in Common may convey his Interest (Without Fraud) in a Post-Divorce Judgment (Decree) if within, Exercising the Statutory Rights of Descent", to his son and his "Issues".

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i.
TABLE OF CONTENTS.....	ii.
AFFIRMATION OF ACKNOWLEDGEMENT	xv.
STATEMENT OF THE CASE	2.
PROCEDURAL HISTORY	4.
ISSUES	14.
MOTION REQUESTING REVIEW	16.
ARGUMENT CITED CASE	22.
APPENDIXES	51.
LAW COURT JUNE 6 1993 Order	53.
SUPERIOR COURT-ORDER	55.
RELEASE CHECK TO MULLEN	56.
MORTGAGE TO SISTER	57.
ORIGINAL DIVORCE DECREE	59.
AMENDING DECREE 1986	67.
LAW COURT DECISION 1987	71.
QUITCLAIM DEED TO ISSUE	75.
LAW COURT DECISION 1988	77.
LAW COURT ORDER 3/26/1993	83.
LAW COURT ORDER 5/27/92	84.
LAW COURT ORDER 3/18/1993	85.

Continue Index	Page
LAW COURT APPEAL DATES DUE	86.
SUPERIOR COURT DENIED ORDER	88.
LAW COURT DISMISSED ORDER	89.
SUPERIOR DISMISSED ORDER PREJUDICE	90.
HEARING RECORDING MAY 5,1989	91.
CONTEMPT HEARING RECORDED FULL TRIAL DENIED	97.

TABLE OF AUTHORITIES I.

Cases	pages
Gill vs. Stalow 240 F.2d 669	16.
Smith Estate 93 A.2d 314	16.
Allen vs. Cole Realty Me. 325. A2d 19	16.
Blaydes vs. Blaydes 446 A2d 825	17.
Diversified Food Inc. vs. National Bank of Boston 605 A.2d Page 608 4/22/92	18.
Shaver vs. Parson Fred 322 S.W. 2d 690	19.
Lawson vs. Mcleod (1956) 152 Me. 67, 123 A2d 199	19.
Harry J.Smith v. Freemen L Kennard 496 A2d 660	19.
Berry vs. Berry 388 A2d 918	20.
Hall vs. Hall 462 A2d 1181	20.
Hellwig vs Hellwig 426 N.E. 2d 1087 ILL. 1981	20.
Iverson vs. Iverson p. 710. 87 S.D. 628, 631, 213 N.W, 2d 708	21.

TABLE OF AUTHORITIES II.

Cases	Pages
28 U.S. C. 2202, 2201 Act. Art III.	22.
414 U.S. 817 (1973)	22
Super Tire Engineering Co. vs. McCorkle 416 U.S. 115 94 SCT. 1694 40 Led 2d 1	23.
Coal & oil Co. 312 U.S. 270, 273 (1941)	23.
Socialist Labor Party vs. Gilligan 406 U.S. 583. 92 SCT. 1716.	23.
Roe vs, Wade Supra 410 U.S. 125 and 187	24.
Doe vs. Bolton 410 U.S. 179 (1973)	24.
65 Col L. Rev. 867 103 U.P.A. Rev.772	24.
United States vs. Alaska ss.Co. 253 U.S. 113,116	24.
Blaydes v. Blaydes 446 A.2d 825.	24.
Bowley vs. Bowley 440 A2d 332, 333,	25.

TABLE OF AUTHORITIES III

Cases	Pages
Randlett vs. Randlett Me. 401 A2d 1008,1010 (1979)	25.
Fidelity & Casualty Co. vs. Bodwell Granite Co, 102 Me. 148, 66 A.2d 314 (1906)	26.
Eastern Maine elec. Coop Inc. vs. Maine Yankee Atomic Power Me. 225 A2d 414, 417	26.
Herrick vs. Theberge Me. 474 A2d 870, 875, (1984)	27.
Yoder vs. County of Cumberland 278 A2d 379	28.
Moore's Federal Practice (2nd Ed 60.37	28.
Wright & Miller Federal Prac. Section 2868 Civil	28.
American Investors Managment 5/6 F.2d 29	29.
Magazimer vs. Magazimer 253 A. 2d 263 Cert 434 PA. 1.	29.
Haywood Ross vs. Leona (RI1986) 511 A 2d 987 No. 86 127 Md. 7/15/	30.
Drival vs. Drival 322 A2d 1.	30.

TABLE OF AUTHORITIES IV.

Cases	Pages
D. Dobbs Remedies 93,96,98, (1973) H Clark Law on Demestic 468, 69, (1968)	31.
Tutle vs. Palmur 392 A2d 574 (1978)	31.
Rules RSA 491 Rules 201 APP(Supp (1977)	31.
Ross vs.Ross 511 A2d 987	32.
Mill's vs. Howard 109 RI. 25 280 A.2d 101	32.
Sampson vs. Sampson 16 RI. 456 16 A 711 (1889)	32.
Caswell vs. Bathrick 54 Ri 30 169 A 321 (1933) 109 RI. at 28, 280 A2d 104.	32.
Corace v. Balint 418 P.A. 262, 276, 210 A2d 882	33.
Wright vs. Wright 398 A.2d 837 N.H. 2/28/1979)	33. 34.
Brown vs.Brown Vt. 435 A.2d 949	34.
BowleyJr. vs. Bowley 440 A.2d 332	35.

TABLE OF AUTHORITIES V.

Cases	Pages
Van Loon vs. Van Loon 315 A.2d 866	36.
St.Hilaire vs. St.Hilaire 543 A.2d 822 (1988)	37.
Goss vs. Lopez 419 U.S. 565	38.
Goodenow vs. Ewer 16 Cal 461 P 135 ,25,	38.
Farrell vs. Frost Inc Co. 73 FLA. 191.	38.
Howey vs Goings 74 S.O. 216 I ALR 25	39.
Barnett vs. Thomas 13 I LL. 95 36 Ind. App 521, 349 A 2d 655	39.
Wettlaufer vs. Ames 133 MIch 201 94 NW. 950	39.
Fenton v. Wendell 116 Mich. 45, 74 Nw.	39.
Beckham vs. Eggleston (Mo. App.) 341 SW. 2d 337	39.
Earley v. Friends 57 Va. 21.	39.
Preston 162, Tex at 383 84, 347 Sw. 2d 940,941	40.

TABLE OF AUTHORITIES VI.

Cases	Pages
Carey v. Forlivin 336 A.2d 587 32 Conn. Sup 7 Me. 1982	41.
Connor v. International Harvester Credit Corp. 447 A.2d 822	41.
Millken vs. Buswell 313 A.2d 111	41.
Twnsend v. Appel 446 A.2d 1132	41.
Cousins vs. G.H.Hooper Me. 1966) 224 A.2d 836	41.
Karen Pease v. Randy Pease Cv 92-41 June 9, 1992	42.
Baker v. Baker 444 A.2d 982, 985 Me. (1982)	42.
Hall vs. Hall 462 A.2d 1179 (Me.	42.
Richard Lawrence v. BarBara Lawrence Cv 91-561	42.
Most vs. Most (Me.1984) 477 A.2d 250	42.
Joseph Lopes vs B.Cowles Mallory No. 1130 Appeal 279 A.2d 450	43.

TABLE OF AUTHORITIES VII

Cases	Pages
Ballard vs. First National Bank 259 F.2d 683,684,	43.
State vs. Old Tavern Carm Me. 1935 133Me. 468	43.
Chipetta vs. Leblond 505 A.2d 783 (1986)	43.
Ocean National Bank of Kennebuckport vs. Diment 462 A.2d 35 , 39 Me. 1983	44.
Zirot v. Zirot P.A. Super 1962 177 A.2d 137 197 P.A. Super 124	44.
Pore vs.Pore 151 A.2d 650 P.A. Super 1935	44.
Zillert vs. Zillert 395 A.2d 1152	44.
Martel vs.Inhabitant of Town of Old Orchard Beach 404 A.2d 994	44.
Edward Scheetz vs. Madeline Hartman 572 A.2d 140 6/4/90	45.
Macdonald vs. Macdonald 532 A.2d 1046 1050, Me. 1987.	45.
Wallace v. Briggs 162 Tex. 485, 489, 348 SW. 2d 523, 528	40.

TABLE OF AUTHORITIES VIII.

LAW REVIEWS

Cases	Pages
2. Nelson Divorce 16.03 p392	17.
In Re Marriage of Lee 87 ILL. Dec. 7/9, 430 N.E. 2d 1030 (1981)	20.
Real Property Constitution Law VIII.	24.
Postman always Ring Twice L.REV. 65 Col L.Rev. 867 103 U. P.A. 722.	24.
Moore's Federal Practice 2nd Ed) Section 60.37	28.
Nova Law Journal 328 c: 1982 Urged Caution	38.
20 AM Jur. 2d Co-Tenant and Joint Ownership 40	39.
Texas Law Review Vol. 58 1307 1980) page 1316	39.
Texas Law Review Vol 58 1307 (1980) p. 1317	40.
Preston 162, Texas at 383 84, 347 SW. 2d at 940,941,	40.
UCC. 2-205 Promissory ESTOPPel el 18 U. Maine L. REV. 297	41.
Townsend v. Appel , 446 A.2d 1132 Law Rev 1966	41.
Powell on Rea Property 618 at 51-15 (1989) Me. 1979,	44.

CONSTITUTIONAL LAW ART.

	Pages
Article VI.	4.
Article VII	5.
Constitution PT. 1. Art 15	5.
19 M.R.S.A. 722 A	16.
M.R.S.A. Const. Art.1 &6 21ID.	20.
CONST Declaratory ACT. 28 U.S. 2202 2201 ART. III	22.
LAW VIII	22.
ART III-2	23.
REAL Property Constitutional Law VIII	24.
Constitution ART VII	27.
TREATED fairly Consti. PT. 1 Art 15	27.
Consti. PT.1 Art 15	30.
Fourteenth Amendment to U.S. CONSTITUTION A SECTION 6,A of Article 1 of the Maine Constitution 2 Law of Maine 1975 2324 Maine Human right 5M.R.S.A. 337 SUPP 1977	35.
19 M.R.S.A. 722 A.	42.
Equal Protection ARTICLE Vs & III	43.

AUTHORITIES STATE

	Pages
COURT RULES 55 c	15.
Court Rules 60 (b)	15.
Field Mckusick & Wroth	16.
Rule 37.1	
Field Mckusick Rule 60 (b)	17,
M.R.S.A. - 19 722 A.	42.

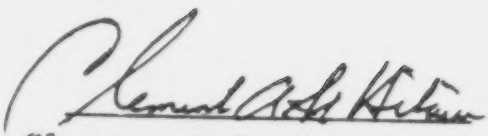
KEY NOTES

Divorce key 269 (1)	29.
Contempt Key 67	29.
722 A (1) Sex Discrimination Prohibit.	35.
Partition 59 A.Am Jur. 2d 225 Page 135	38.
Proceeds 54 SEE: Text Notes 38,39, Supra	40.

AFFIRMATION OF ACKNOWLEDGEMENT

I, CLEMENT A.ST.HILAIRE, as Personal Counsel, and Pro-se,Counsel of this Court, I, will conduct myself uprightly and according to Law, and that I, will support the Constitution of the United States.

Dated September 30,1993



Clement A.St.Hilaire
1133 Center Street
P.O. Box 3163
Auburn, Maine. 04212
Pro-se.

No.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

CLEMENT A.ST.HILAIRE
(Petitioner)

vs.

GRACE A. ST.HILAIRE
(Respondent)

PETITION FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT

OF APPEAL FOR THE

FIRST CIRCUIT

PETITIONER: PRO-SE

CLEMENT A.ST.HILAIRE
1133 CENTER STREET
P.O. BOX 3163
AUBURN, MAINE 04212
(207) 782-7771

STATEMENT OF THE CASE

The Following Alleged charge of contempt, was a mere result of lack of evidence, and a violation of Due Process of Law. The Law Court Docket # 92-391 of a Civil Action Docket # CV 81-152. The Appellant,Defendant,now Petitioner Clement A.St.Hilaire, vs. Grace A.St.Hilaire Appellee, Respondent.

The Couple were separated April 1981, and the Plaintiff filed for Divorce on August 1981 The Divorce decree was dated December 7, 1983, on grounds of irreconcilable marital differences.

The following statements in a brief, The Appellee's Counselor is Robert E. Mullen, Jr. Esq. of Linnel, Choate and Webber. The Petitioner, Clement A.St.Hilaire is as Pro-Se. The Following Statements of facts are precise to the best of my knowledge, and of my ability, to my remembrance, with copies attesting in appendix brief.

This Appeal was processed, as a results of the Court held on August 5, 1992, at Kennebec County Courthouse, and was a Procedural defective in Due process of Law. The defendant denied of a Full Hearing, of Confrontation, and ability to cross-examination, of the witness, denied bail process of Law, Court Justice was in Abuse of the System not allowing the facts of evidence and lack of opportunity to demonstrate and satesfied the Evidentiary Standard.

The Petitioner, argue that the record does not contain sufficientcy in evidence to have support the Superior Court findings of facts to be judged for contempt. Finally He argues that the enforcement order, entered was in violation of the Constitutional Rights to Procedural Due Process of Law . The Justice neglected to have reviewed the privous orders and all the evidence.

PROCEDURAL HISTORY

The Law Courts Decision of Moot, Denied as Pro-Se in defence of declaration of Personal Property interest rights, within the United States Constitutional Law under Article XIV citizen Rights not to be Adridged: Nor Shall any State Deprive any Person of or Property Rights,Without Due Process of Law, nor deny to any person within its jurisdiction, the Equal protection, of the Law, "Evading Review",

The Law Courts reply Decesion, this was a Concrete dispute presented still is Actual Matters of Contraversy existing in dispute, for "Want of subject Matter," of the Equity in Defendant interest in Personal property rights,"Capable of Repetation," Hardly Moot.

The Constitution of the United States Provision concerning Sanction under Article VI, of not being deprived full

hearing, with Witness against must be given the rights to cross-examination of those present. Under Article VII with requested Nor to be deprived of a Trial by Jury:

> In Suits at Common Law, where the Value in controversy shall not or exceed twenty dollars. the right of a trial by jury shall be.

The Presiding Justice had refused to allow, and was depriving the defendant of cross-examination of the Witness and a full Trial, and the true evidence of the facts were never presented. Sorely lacking in Due process of the Law, St.Hilaire had Suffered a gross injustice of his first in being cited for contempt, as a Coercing Measure to accommodate the Plaintiff in their Counsel Fees in the Demestic relations of a Post 13 year judgment on the property injustice of Equal distrobution was an abuse of the Law. The Constitution PT. 1 Art. 15 " Treated Fairly" in the

Due Process of a Full hearing.

The Plaintiff cause of action and argument was unsupported. Basic Matter presented before the Court by the Plaintiff Counsel relates to his repeatual filings of contempt. The Charges in question, bear in mind are matters of a Resjudicata action. " Clearly Sufficient on its Face," Was an uncontroverted matter on proceeeed material in point, and Adjudge prior in an Order. The Credible evidence, of the Justice Thomas Delahanty, of an agreed to divided the Rental by the Plaintiff, was a standing and reply of fraud, to conceal the income from the Property. The Equity afforded the petitioner, certain protection before being deprived, of his conduit income, of the property ownership rights, including Notice and an oppertunity, to respond to the Plaintiff Contractual, Post Decree Judgment Rights before Fraud.

The Plaintiff Presumptions, Lackes the Burden of Proof,The rational, of the credible evidence, of two of the divorce decree's wording, that Stated:(That if the Taxes, and Maintainence, and Counsel Fees, are not paid they will be deducted from the proceeds, of the Sale of the Property,) The Decree States (The Defendant shall be responsible for all repairs, maintenance, upkeep and payment for charges of utilities, heat and taxes. the Defendant shall not suffer waste to the said premises nor encumber the same in any maner without the expressed written consent of the defendant.)

The Forcefull order of The Exclusive Possession changed over from the Defendant to the Plaintiff after two years of no possible sale due to a Strike of a one mill town of 13months Strike, the Change of Possession was expressed the same responsibility as had the Defendant but had Lack the equality in the Equity Value

in the Responsibility to the new Part erner Plaintiff, The Court Ordered the Plaintiff in August 8,1986 the Exclusive Possession the principal residence half owned, (The Order Stated: Property is ordered sold in a commercially reasonable manner so as to bring the best possible price, in an immediate sale, Now, as far as brokers fees, taxes, upkeep, and so forth, those are your responsibilities and they are to be deducted from your share of the proceeds in the sale and if you haven't paid the attorney's fees by the time that the matter is sold, he can deduct the fees.) Grace had Stated in the Court The Property has gone downhill. I Mean definitaly its in need of a roof, its in need of a new furnace, its in need of paint. In this period of time it has Depreciated.) Yet credible evidence of 500.00 monthly rental collected sence August of 1986 to present date 39,000 plus,

the Frivolous charge of contempt of 12,000 bail in fee's, and loss of 13,000 in reduction in sales price of loss client at the expense of the Plaintiff Counsel of lack in ability to convey the cloud in title of a live in client over two years purchase price of 83,500, now reduced to a loss of 70,000 purchased price, on a land contract purchase contract by the Plaintiff Respondent. The Fraud of the Plaintiff was in order to collect the additional amonut of alimoney of 25.00 weekly untill it is sold.

The Courts neglected the true Merit of facts and evidence conceled That the decree States: (The alimony will be reduced by 25% if the Marital Property was sold) The Applied Test, of Evidence of the Plaintiff without being Cross-examination, denied the Defendant the Due Process of Law. The Hearing became a Hearsay Evidence . The Court Reporter remain the Merits and Facts.

(Copy is attached)

The Concealed Property rental income, Advised by Appellee Counsel of half owned property as personal income.

Court Hearing held on May 5, 1989, at Androscoggin County Court House. The Justice Presiding Honorable Thomas Delahanty III, States Page 27, of the

Court Reporter: The Court States:

> What are you doing with the 500.00 a month?

The Witness: I, am putting it in an account, I, haven't paid taxes on it I, haven't touched it other than the fact, because I, don't know if it belongs to me or belong to him or it belong to us. I, don't know So I, haven't even paid taxes on it. it just sitting there.

The Court: All right. To the extent that at such time as this property is sold, If there is a sum of money in this account, Let's call it an escrow account, are you willing or is it your intent that this money be divided as proceeds of the sale?

The Witness: Oh sure I, have no problem with that.

The Court All Right Thank You You May Proceed.

Escrow Account, Let's Call it are you Willing, or is it your intent, That this money be divided, as proceeds, of the Sale. The Original order changed in possesion if taxes, maintainence, and Counsel Fee's were not paid, they were deducted from the proceeds of the sale, from the escrow account, of the rental.

Contradictory to frivolous, the facts are evident,

(a) A rational Argument based on Credible Evidence, of the resulted Court Order's two of Public Notice, that was supported, as evidence in defense.

(b) The Allegation was a groundless, should not have survived, the Judge Failure, to have addressed all the genuine Merits. of the Divorce Decree History, that would have proven, "Fraud".

THe "Caprious" decision of contempt would not have taken place. Failure of a Full Trial and proper Due Process of The Law.

The Incaraceration, was a fruitless measure, of the Proper Question of Law. (b) Where cause, of action arises, out of the same subject matter, or transaction Litigated. The Doctrine of Res-Judicata, should now be Estopped, the Competent Jurisdiction, in the prior suit, between the same parties, Where that judgment, was never reversed. There-fore Characterized Matter, prior Adjudged is now present as proponent, of a rational argument, based on the Evidence of Court Orders, Supported as a claim of Law, in defense. The sufficient Complaint, under Appeal should survive, with the credible evidence, on grounds that Sustain the Appeal. Deceit Fraud, lies is a Motion of relief the Exclusive Possession with concealing the Rental in Silence Acquestion, had a Waiver of her rights by commen Law.
The Appeal was filed on August 31, 1992
The Appellee Plaintiff willfull failure

To Market and sell the Marital out right for Cash settlement of the Marital Residence, and chose to lease and rent at profit sence Dec. 10, 1986, a total of seven years.

Petition Complaint are in four Count's

Count 1.:Deceit by Misrepresentation.

Count 2.:Deceit by concealing the facts.

Count 3. Deceit by Silence with a duty to disclose.

Count 4: Placing the Defendant under Duress.

All Alleging Plaintiff of Fraud Misrepresentation and deceit the Defendant contends the cause of action has previously been adjudicated by the same parties, hence is and was barred, by the doctrine of ResJudicata. Defendant contends that Plaintiff relief regarding the disposition of property, lies is a Motion of Relief the Exclusive Possession with concealing the Rental in Silence Acquestion, had Waiver her rights by Commen Law.

ISSUES

I. Did the Trial Court Abuse its Discretion, in Caprious Sanction, of Incaraceration, of result in demanded by counselor for fees, without reviewing all court orders, to have allow a full trial hearing, to have the ends of Justice and allowed the Cross-examination of the Witness, At the August 5, 1992 Sanction Hearing.

II. Was the Appeal Filed, to set apart, equitable, deemed just, property, to each exspouse, within the material controversy, of matter previously, Res-Judicata, or the Appellee pursuant Fraud, with intent, of his Subsequent filing, of Motion of the Contempt, to conceal the Rental conduit income, of half ownership.

MOTION REQUESTING REVIEW QUESTION PRESENTED SUPREME JUDICIAL COURT OF APPEAL

MAINE LAW COURT result of Moot Failure to Review all of the Facts of Evidence.

1. Whether depriving One's Personal Property Rights (of Rental Income) with Lack of Substantive Due Process of Law, and denied Cross-Examination of Witness, contrary to the Constitutional Law.

The Inconsistancy of Standards, of an excuable neglect, warranting a change of court timing, done for Counsel every day while in court hearings, extention of time, lack of a Phone Call of the Clerk, assured as said, was excusable for the neglect, of a showing in Motion of Appearence of the Defendant, intent was over looked.

Argument: Rule 55 c A Default decision efferts of the justice to here the evidence, a default decision may be set aside under Rule 60 (b) of.

The Defendant in the instant case had filed as Motion, to review under this Rule of Court

Field McKusick and Wroth Civ.P. M.R.S.A.

Rule 37.1 Failure to attend: Court May reverse if it finds the sanction to have been too drastic Gill vs. Stalow 240 F 2d 669

93 A2d 314 RE: Smith Estate As This Case At Bar: Courts having jurisdiction of Partition suits may determine incidental matters concerning rights of Co-tenant, growing out of Property itself. The case at hand The Rental Income inquestion, The Plaintiff was in as escrow agent of the account.

Maine Statute of Property division.

19 M.R.S.A. 722 A. Equal division.

The case at Bar: As agreed rental dispursment in an escrow account.

"The Parties were misled Thereby" There was error in the case at Bar with Prejudice of self defence, See: Allen vs. Cole Realty Inc. Me. 325 A2d 19 Relief from a Valid Final Judgment.

In 2. Field McKusick & Wroth As Part

of a discussion of Rule 60 (b) it Stated

> While Rule 60 (b) in the next to the last sentence preserves the power of the courts to relieve a party of a judgment through an independent action, the occasion for its use will be granted showing circum-stance.

Page 72 .

See; Blaydes vs. Balydes 446 A2d 825.

> Holding in Contempt for Fail ure to pay Alimony Reversed Remedy is with derection to deny the Motion of Contempt.

Remedy is Particularly Harsh 2. Nelson

Divorce 16.03 P 392

" One cannot be Placed in Contempt for Failure to Read the Courts Minds I Bid."

The Case at Bar refusal to expand on Judgment of means and Implication beyond there Terms.

(a) If the taxes weren't paid at the Time of the Sale they will be subtracted from the Sale.

This was a Court Order:

(b) Plaintiff mutualy agreed in Court under Oath to place the

> Property half owned interest in an Escrow called account are to subtract the expenses and divide the proceeds at closing as Agent.(Holding Rental, Income.)

This was a Court Order.

Paramont Facts the case of Controversy goes on, Fraud Key 3

Escrow Rental Income SEE: Prima Facie Diversified Foods Inc. et al vs, First National Bank of Boston Mass. 605 A2d page 608 April 22, 1992

> To Prove Common Law Fraud, Plaintiff must Show that false representation of Material facts were made with knowledge of its falsily or reckless disregard of Whether its true or false for purpose of inducing another to act in reliance on it,and Plaintiff justifiably relied on representation as true and acted on it to his damages.

The Case at Bar: The Missing of a Cross-Examination, has failed to supply the true facts, Court has a Hear-say Testimony , supplied the alleged missing elements,

Elements of the Hypothesis, and followed the Procedure here, to fore an approved by this Court: Shaver v.Parsons Fred 322 S.W.2d 690. Lawson v. Mcleod (1956) 152 Me. 67 123 A2d 199

> Thus the Lawson Court Said: The Test for determining the sufficiency, of proof was whe ther, there were sufficient facts, establishing proof, of the damages with reasonable certainty. but this liberal attitude, necessitates. Harry J. Smith vs. Freeman L. Kennard 496 A2d 660.

Appellant raises the basic argument on the Appeal that the record does not contain sufficient evidence, to have support the Superior Court Judge's Findings of contempt. Finally in argument that the inforcement order entered, by the Courts violated St.Hilaire (Clement) Defendant, Petitioner,Rights to Procedural Due Process under his Constitutional Maine Law, Procedural Fair Hearing.

Clearly erroneous M.R.Civ. P. 76d.

"Substantive Due Process"requires that no person be deprived of property (Personal Funds) for arbitrary reasons. Legislation which is reasonably applied.

M.R.S.A. Const. Art. 1. & 6, 21.Id.

19 M.R.S.A. 722 a Divorce Decree was a Agreed by both parties as Court Public Notice, of which the Judges should have full awareness, when he insisted on his " Capias" Sanction at Plaintiff Demand, By her Counsel, Me. Example 388 A2d 918 Berry vs. Berry Rule 60 (b) Motion, Deficient in record.

Accord In Re Marriage of Lee, 87 ILL.Dec. 779, 430 N.E. 2d 1030 (1981) The Language of the Illinoise Divorce Court Statutes are nearly identical to its Maine Counterpart. Hall vs.Hall 462 A2d 1181 Page See: Hellwig vs.Hellwig 426 N.E.2d 1087 Illinoise 1981). The Wife was order Sole Possession of the House was ordered to pay Mortgage, Taxes, and Insurance,

While permitting husband to share Equally in net proceeds upon the sale. This is a parrellel case at hand of the same factors Iverson v. Iverson 87 S.D. 628, 631, 213 N.W. 2d 708, 710.

The Contractual Obligations, Rental income more then met the obligation. The Lack of payment for Personal Possession was Due, as half owner. Clearly Erronous unsupported Evidence, Under this condition were unenforceble through Contempt. Fourth Section of Nova Law Journal, The Alleged charge wasn't A Default of Alimony, But under Nova Law a Failure to Fulfill the Contractual Obligation in Question. Sence these proceding deal with the "Source-of Funds", Araises an Estoppal, of the Decreed language, of the Co- Tenant interest in half owner, of The Property in Exclusive Possession, of the Respondent, of Failure to having paid Rental, of the Exclusive Possession, and having Collected Rental under a Lease,

Having an Unjust Enrichment, of no Main-Tainance, no Taxes, or no upkeep or exp-enses, With intentional Fraud to suppress the Evidence of the Rental income profound-ly with profit under the advice of her Counselor.

2. Whether "Evading Review" of actual Matters of Contraversy in dispute or depriving Equity Capable of Repetation a "Moot Issue"

ARGUMENTS CITED CASES

" Evading an Appeal Review"
Constitution of Declaratory Judgment Act. 28 U.S. C. 2202, 2201, within meaning of ART. III, Controversy still exitts.
We granted Certiorari to the consider Mootness issue 414 U.S. 817 : 1973)
The Case at Bar Controversies where the direct effect of the parties developed an economic disadvantage of property rights of the defendants share, with Prejudice, Affirmed the Judgment of the Court of Appeals Real Property Constitutional Law VIII.

SEE: Super Tire Engineering Co.

Vs. McCorkle 416 U.S. 115 94 SCT.

1694 40 Led 2d 1.

> Unless the issue is a recurring one likely to be raised again between the parties actual controversy.

Retain sufficient interests to justify

relief, Art III-2

Controversy sustains.

Want of Subject Matter. Existing Parties

equal in share of subject half interest

as partnership, of Post Divorce Property

See: Maryland Casualty Co. vs. Pacific

Coal &Oil Co. 312 U.S. 270 273 (1941)

> Whether the facts alleged, under all the circumstances, show that there is a Substant ial controversy between Parties. Having advance Legal Interest The District Court had the duty to decide the appropri- atness and the merits of the Declaratory request. Interest sufficient to warr- ant the issue of a Declara- tory Judgment.

See: Socialist Labor Party vs. Gilligan

406 U.S. 583. Capable of Repetition

Yet " Evading Review". For Want of a

Subject Matters 92 SCT. 1716.

Yet We had no Difficulty in racting suggestions of Mootness.

410 U.S. 125 and 187 Roe v. Wade Supra and in Doe vs. Bolton. 410 U.S. 179 (1973)

The Judiciary must not close the Door to Resolutions of the important question there concrete dispute presented.

> The Judgment of the courts of Appeals is reversed and the case is remanded for further procedings on the merits of the Controversy, Its so Ordered.

A Limets on the Juducial Power.

The "Postman always Rings Twice"

65 Col L. Rev. 867 103 U. P.A. L. Rev.772

Not permitted to Forestall Decision Con-Troversal Matters.

See United States vs. Alaska ss. Co. 253 U.S. 113 -116

Real Property Constitutional Law VIII.

The Moot Law Court Results, of the case at bar " Finality" of a final Judgment with hast, of a justice depriving the rules of practice on Due Process of Law. See: Blaydes v. Blaydes 446 A2d 825.

3. Whether Justice is a Majesty recklessly disregarding previous Courts orders,with a closed mind, and Prejudice, Suppressing the Evidence,that promotes fraud, is just in a Sanction of Contempt.

The Old Theory of a Successful person, becomes successful over the years, by trying harder to achieve the goal no matter what it takes, or whom or how he lookes to others.

A Prudent Person does not Conceal Evidence of fact, with intent to acheive, a fiducary client relation, or with lack of his ability or concern, for success.

Bowley v. Bowley 440 A2d 332, 333,

> The power of the Divorce court to clarify the ambiguous Judgment that it had previously issued is undoubted.

See: Randlett vs. Randlett Me. 401 A2d 1008 1010 (1979)

EQUITY Resolves the issue Fairness in the Equal in Shares as half owner.

As in Partership to maintain a Status quo

See: Fidelity &Casualty Co. v. Bodwell Granite Co. 102 Me. 148, 66A314 (1906)

> And the issue being one of jurisdiction, the Law Court may examine it at any stage of the proceeding and upon its own initiative.

Eastern Maine Elec. Coop. Inc. v. Maine Yankee Atomic Power Co Me 225 A2d 414,417

Family Real Estate, as consequence of either agreement of the parties or adjudication. On remand both counsel and Court should bend every effert to bring this protracted litigation to an early conclusion.

Status quo pending negotiation or adjudication of equal division of the marital real estate. In view unacceptable delays cause by counsel delay of bitterly litigated property in question.

The Order on its Face Ambiguous in its Intent as the case at Bar Confussion of Contempt Order of Duress cause prolong attempt to continue unresolved indifferences un amicably Remaining unjust for enrichment of one party.

4. Whether a Demand of a Trial by Jury on the"Equity Rights"with lack of Confrontation a violation of the Constitution.

Article VII With requested Nor to be Deprived of a Trial by Jury

> In Suits at Common Law. Where the Value in controversy shall not or exceed twenty dollars, the right of a trial by jury shall be.

The Presiding Justice had refused to have allowed, and deprived the defendant of cross-examination of Witness. The Coercing Measure to accommodata the Plaintiff in their Counsel Fees. in a sharply contested by substantial evidence, Demestic relations disputed for over 13 years on property injustice of equal distrobution, has been an abuse of the Law. Constitution PT. 1. Art.15 Treated Fairly" and Jury could have helped the settleing of the Equity. Herrick vs. Theberge 474 A2d 870 875, (Me.1984).

> Lack of procedural history and failing to exhaust the rights of the Divorce Decree in its entirety.

Yoder vs. County of Cumberland 278 A2d 379

> Summary process was denied as to a full hearing, and was not issued, by the order the judge failed to allowed bail Process of Law.

The case at bar was of the same cause of His Action in abuse neglected Court Prior orders, of merit of facts. SEE: 7 Moore's Moore's Federal Practice (2nd Ed) Section 60.37 Wright & Miller Federal Practice Section 2868 Civil.

> Procedurally the Independent action would take the form prescribed by the Rules for "Civil Action" Substantively it would rest on principals deriving from the Law of Equity'

The Act of conspriracy of the source of income Rental sence Aug 1986 to present date at 500.00 a month total to over 39,000 at a net with no expenses paid. " Prima Facie Evidence" was the Court own Reporter copy of evidence, The Appellant

Half interest in property rights

The Agreement a subsequent proceeding before said Majustrate expressly fortified in court order.

> The Courts vague findings cannot substitute for evidence and specific language.

American Investors Managment 576 F2d 29

> (1978) The Court shall retain jurisdiction of this action solely for the purpose of enforcing the undertaking's contained in the stiprilation and agreement authorized the court to award damages for breach of the expressed in contract of property rental.

See: Magazimer vs. Magazimer

253 A2d 263 Cert 434 PA. 1.

Divorce Key 269 (1).

5.Whether The Law Court has-violated The First Amendment of Equal Property Rights in protection on a Post Divorce Judgment by "Evading Review of a Pro-Se Rights or Was it Prejudice.

Contempt 67 Case Moot

Violation of the Husband rights St.Hilaire case is paralelle He contends the case is not moot, because he has been

Unjustly arrested, as a results of which were "sorely lacking in Due Process" and St.Hilaire "Suffered a gross injustice in being cited for contempt." As a results of this unjust and highly improper contempt order. St Hilaire " Was arrested booked with no bail amount, fingerprinted, and placed in a cell until full amount to the plaintiff demands unjustfied by her counselor was secured. " The Courts Failure in Scruitiny of it decision.

See: Haywood Ross vs. Leona Ross (RI1986) 511 A2d 987 No. 86 127 MD. 7-15-1986)

Ability or inability to pay thus finding of contempt was erroneous, and order direct former husband to purge himself of that finding of contempt was invalid.

See: Drival vs. Drival 322 A2d 1.

Civil Contempt term "Offense" refer to public not Private Wrong.

Constitution P.T.1. Art 15. Due process " Treated Fairly" The Case at Bar coercing method into compliance,

Choice of either performing a requisite act or paying the penalty. "Effect the Defendant carries" "The Key's of his prison in his own pocket". Punitive rather than remedial in nature. D DOBBS, REMEDIES 93,96,98, (1973) H Clark Law on Demestic Relation 468, 69, (1968) See: Tutle v. Palmur 392 A2d 574 (1978) Intro duction of Rules RSA 491 Rule 201 APP (Supp 1977) Petition for Certiorari granted. order quashed paper remanded. Contempt Key 24 inability to proform in accordance with order of payment of the money is excused, justication will prevent holding. St.Hilaire on March 1,1992 had been suspended of his insurance licence and was in abridged case of employee relation case with the Maine Real Estate BOard, of both Regulation had caused an inability of providing a source of any income, to pay (St.Hilaire) with no licenses to earn income.

This all had taken place prior to any Court hearing of contempt It was declared in court and refussed to comprehend the issue by the justice presiding. as in See: Ross v. Ross 511 A2d 987, Non willful" Contempt to order purge himself 14,836.77 Conveying property. At Bar St.Hilaire with no License and of age discremination of 54, with no employment was force to Mortgage a business building to accurer 11,211,10 from his Sister and Brother inlaw Collett Arsenault as a source to purge payment of a release of the incarceration. the Arrear age counsel fee's never proven.

Mill's v. Howard 109 RI. 25 280 A2d 101 A husband could not be incarcerated for failure to comply with monetary. with in ability to pay. Fourteenth Amendment the Court observed See; Sampson v. Sampson 16 RI. 456 16 A 711 (1889) Caswell vs. Bathrick 54 RI. 30 169 A 321 (1933) 109 RI. at 28, 280 A2d at 104.

St.Hilaire was entitled Evidentiary hearing.

Article V deprived of property with out Due Process of Law nor shall private property be taken In Corace v. Balint 418 P.A. 262, 276, 210 A2d 882 The Court Stated : A Court of first instance cannot further proceed with a cause after it has been served with a writ of certiorari. issue by the Appellate Court. As the Case at Bar is a Paralellel to Wright v. Wright 398 A2d 837 NH. (2-28-1979) Wife was insistence on Post Judgment hearing was frivolous and unreasonable and master was justified in refusing to proceed,Husband was entittled to counsel fees for wife violation. This is a clear results of the nature of the case at bar. The Case had taken place in 1983 Dec.8,The Decree Reads the appellant was to sell the marital property home within two years. The results was caused by a one mill town strick of over 13 months. The Property not haven been sold. there

fore unjust the Defendant was charged with contempt of court. The Transferr of sale to the Exwife half owner as Exclusive Poss ession at no rental, and The property was to be sold in an Immediate sale as of Aug. 8,1986, The transferr was unjust the Maintainence was to be paid by the Defendant, She Exwife chose to rent and collect the rental and at a net profit plus collecting the additional Alimony of 25.00 weekly up untill the property was sold.This created a Windfall in income, and net Free, plus the additional Alimony. Frivolous unreasonable and unjustified with failure to comply with the Direct Court to the Plaintiff to sell, had fell on deft ears as in SEE: Wright v. Wright 398 A2d 837, St. Hilaire decree of an abridged Alimony of 25.00 This case has gone on with controversy, and hadly Moot, by the legal issue of a monatary Econmic injustice.

See: Brown v. Brown Vt. 435 A2d 949

Wife failing to liquidate the property, abuse of discretion.

Bowley Jr. v. Alta Bowley 440 A2d 332

Just" rather than an equal division.

722A (1) Prohibit Sex Discrimination

Fourteenth Amendment to United States

Constitution a Section 6 A of Article

1 of the Maine Constitution 2 Laws of

Maine 1975- 2324 Maine human rights Act.

5 M.R.S.A. 337. Supp (1977) 1978)

The Case at bar failure to attempt to sell on Plaintiff rebound of charges of contempt.

This attacts the basis of Reasoning and fairness certainly indication of her counselor discretion of lack of action to yet a loss of a contract sale of an 83,500, with lack of knowledge in transferr rights, a two year contract with no results but loss of sale, latter with 3 months pass sign with spouse a purchase agreement for 70,000 with ability to transferr the property on a land contract. Then files a Contempt charge a method of forcing the Defendant in a coercing matter to pay all counsel fees.

Highly injust for fee's for service yet to be rendered,unreasonable descretionary Remedies to further determine what action Trial Court the Above Case: as in the instant case "The Pie Cut down the Middle" as a Division of the equities to all of the marriage property. How does one party in contempt after two years of one mill town strick justified now after 7 and half years of the Plaintiff Court order of Immediate sale of The Real Estate jion as Justifie- erroneous objection even attempt to Charge of the Defendant of Contempt, but Fraud. or the reduction in sale by letting the property go for 13,000 less 3 months latter in botch of their sale originaly.

See: Van Loon vs. Vanloon 315 A2d 866 Remanded Reversed order Personal Property sold likewise, the monies received from the sale, less any cost of sale shall be divided between the parties hereto Neither party to recover their cost in all Courts Expenses.

6.Whether a tenant held in Common may convey his interest (with out Fraud) in a Post Divorce Judgment (decree) if within, Exercising the Statutory Rights of Descent" to his son and his Issue".

In Review of Cause of the Alleged charge of Clement A.St.Hilaire vs. Grace St.Hilaire Me. 1988 543 A2d p822 Atlantic Reporter error in print the Alleged accused of fraudulent transferr, to the son & Brother is False the Point of Clearification the appellant St.Hilaire had Transferred His Personal Half owned interest to His Son and other son under age and Daughter married in Care of Mother at that Time in Life, Mother was to hold in trust for immediate family estate, were daughter had changed to her married name. This attempt was to clearly protect the immediate family of respect from majistrate would see the unbalance in Economic of Liability expenses. (No cash had been transferred).

This was mis Read by the Courts, The Atlantic Reporter and Falsely Published.
All in Frivoleous and unreasonable in Mot ion and compliance with the representation of the Plaintiff Counselor Violation to the Abuse of the System to achieve his task. Counsel Fee's.and Contempt Charges on his Plaintiff Fraud.

Review of Cited Cases

Arguments: Law of Inconsistentency on the Property Interest Rights Cited: Goss vs. Lopez 419 U.S. 565, Protected by Due Process of the Law.as in the Case at Bar, Nova Law Journal 328 6: 1982 Urged Caution of Proceedings were improper for Failure to fulfill the Contractual Obligation on Property Settlement.

Partition 59 A.Am Jur. 2d 225 Page 135 Rents and Profits The case at Bar Co-tenant In Possession to account for rents and profits, received, by her from tenants, on the premises. Page:135, 25 Goodenow v. Ewer 16 Cal 461 Farrell v. Frost Inc. Co. 73 Fla 191,

74 S.O. 216, 1 Alr 25: Howey v. Goings. 13 ILL. 95 Barnett v. Thomas, 36 Ind. App. 521, 349 A2d 655 Wettlaufer v. Ames, 133 Mich.201, 94 NW. 950 : Fenton v. Wendell, 116 Mich. 45,74 Nw. 384: Beckham v. Eggleston) (Mo. App.) 341 SW. 2d 337: Early v. Friends, 57 Va. 21. As to the Liability, of Co-tenant for rents and profits, and their duty, as to contribution, see:

20 AM JUR.2d Co-Tenantcy and Joint Ownership 40. The Division of Property is an Arm's-lenth transaction, rationable, to the order by the Court (1) the Sale of specific property, and division of the proceeds: Texas Law Review Vol. 58: 1307 1980) page 1316.

A proceeds from sale of property. and division. of Property Income, as to the Ownership Creates No Debts.

The Supreme Court of the United States, recognized in Preston; which concerned a Sale of the Property Division.

Proceeds, 54 See: Text Notes 38,39 Supra. Unique nature, The Obligation: Preston 162, Tex at 383 84, 347 SW. 2d at 940,941 The Court Order Placed Grace St.Hilaire As a Trustee May 5, 1989 Hearing Thomas Delanhanty Justice Order in Court, had elected Grace as in Trust with agreement to hold rental in escrow, for the Sale of the Property in her Exclusive Possession Future equity Benefits The Trustee has in her Possession As Obligor receives the the belong's to the obligee, therefore, he has a duty, to pay that is related to the usual obligation, of a debtor.

Texas Law Review Vol 58 1307 (1980) p.1317 (c) Creditors. This reasoning applies with equal force to an obligation to pay Attorney's Fees 65. Wallace vs. Briggs 162 Tex. 485, 489, 348 SW. 2D 523, 528, (1961) Justiciable Controversy" Substancial specific character as distinguished from judgment merely advising what is Law.'If certain events should occur. See. Over

See: Carey v. Forlivin 336 A2d 587
32 Conn. Sup 7. Me 1982
Justiciable Controversy " Real in the
Substants, Connors v. International
Harvester Credit Corp. 447 A2d 822
The Facts That the Case at Bar of the
Concealing his title, Silence When the
Circumstances would have impelled an
honest man to speak or that there was
a misleading active conduct, encourage
or intervention, Milliken v. Buswell
313 A2d 111 Party seeking to assert the
equitable estcppel, bear burden of est-
ablishing facts necessary to support of
doctrine Townsend v. Appel 446 A2d 1132
Law Rev. 1966 Construction Bidding Firm
offer UCC. 2-205 and Promissory Estopp-
el 18 U.Maine L. Rev. 297
The case at bar of Inconsistent with ot-
her Cited opinions, as parallel with
See: Cousins v. G.H.Hooper Me. 1966)224
A2d 836.Justice Adjudged by Default"
The Plaintiff Counselor had rendered a

A Concealments of Facts in order, of the Recording. Post Judgment Motion of Contempt Incability (like the case at hand) Appeal Sustained: Karen Pease v. Randy Pease Cv 92-41 June 9, 1992

Contested Matters of relief generally provided after an evidentiary hearing ought not to be decided by Default. Declaratory Motion was never answered, by the Court Baker v. Baker 444 A2d 982,985 Me. (1982) 19 M.R.S.A. 722 A (1) the Responsibility is nondiscretionary, Post Judgment Law Court has extracted the"Source of funds" Rule See: Hall v. Hall 462 A2d 1179 (Me. 1983) Richard Lawrence v. Barbara Lawrence Cv. 91-561

Divorce decree relating to property division, will not be disturded, on appeal unless the divorce Court has Misapplied the Law or abuse its Discretion. Most v. Most 477 A2d 250 (Me. 1984) in concept correspondent to Partnership. The Doctrine of Resjudicate does not

depend upon whether, or not the prior judgment was right It rest upon the Finality of the Judgment At Bar the order was agreed in Court as Open Notice under Oath by the Plaintiff.
See. Joseph Lopes vs. B. Cowles Mallory No. 1130 appeal 279 A 2d 450.
The Contract Obligation as See: Ballard vs. First National Bank 259 F2d 683 , 684 Incarceration is and was a Material Contract Controversy points of issue of Infinality, of a Judgment Amended, with Change mistakenly justified to the proper ends of Justice. Article III The Equal protection of the Law Personal rights and a deprivation, within the Constitution Vs In. See: State vs. Old Tavern Carms 1935 133 Me. 468. The Appellant contends that it had both a property interest and a right of possession, in the money paid to the Plaintiff During this Period. See: Chipetta vs. Leblond 505 A2d 783.

(Me. 1986) Therefore The Petitioner has asserts, it is entitled to a Judgment as a Matter of Law.Because of the elements, of Mistake of Law, or Facts is no Defense. Ocean National Bank of Kennebuckport vs. Diment 462 A2d 35, 39 Me. 1983).

The case at bar was with lack of Testimoney unsupported SEE: Zirot v. Zirot P.A. Super 1962 177 A2d 137 197 P.A. Super 124 Pore vs. Pore 151 A2d 650 P.A. Super 1935 Zillert vs. Zillert 395 A2d 1152 The Task, of the Trial Court, is to view the real and Personal property, of the parties, as a whole and to make a just and equitable distribution, 19 M.R. S. A 722 A (1) 1981

See; Powell on Real Property 618 at 51-15 (1989) Me. 1979 A Judgment becomes final when it disposes of the action and leaves no futher question for future consideration, of the Court. Martel vs. Inhabitant of Town of Old Orchard Beach 404 A2d 994. Doctrine of Res-Judicata bars this Suit.)

The case at Bar the Justice made the Court order in open Court. The Test was The Petitioner Motion filed prior. The Concealment of the Rental, lack of proper Trial, Hearsay Testimoney There were no Convincing or form of contradicted Testimoney, therefore has lack the test of sufficiency. Reversed ordered on Counsel Fees as the instant case SEE: Edward Scheetz vs. Madeline Hartman 572 A2d 140 June 4,1990 The sole occupancy the Plaintiff never paid the Defendant a Fair Rental for the Exclusive Possession.
Abuse its discretion in its Alimony and Attorney Fee's orders. Plaintiff Failed to Improve, contribute any Value in the subsequent that was attributable to Post Judgment, to have "Inherent value of the property and economic factors affecting it Macdonald vs. Macdonald 532 A2d 1046, 1050, Me. 1987.

Clement A. Holden

September 30, 1993 Dated in Auburn, Me.

SUMMARY CONCLUSION

The Statute of Limmitation Sanction of Two years. The Exclusive Possession of the Petitioner to the Respondent Grace St. Hilaire August 8,1986 has farr exceeded, the two year imposed judgment. The order an Immediate sale in 1986.Now being Sept 30, 1993. over 7½ years of deficiance, of the Judgment. The Petitioner half owned property interest, denied of his Constitutional rights,of the rental income,of personal property. Concealment of Fraud. The Plaintiff Exclusive Possession,"has ousted" the Defendant of his Assets,in the property. The sanction imposed on the Defendant rental of 200.00 monthly, was not conducted,in the Exclusive possession change. The Constant frivilous accused Charges, have layed cause,improper finality,in the hole matter, The Court Abuse of Discreation, eith lack of fore-sight in the previous order and Decree, has layed an endless "Finite" in the Matter of Measure

The Respondent Counsel abuse of the system, as an excuse to condon Fraud on his behalf for his fee's. The resultes to action of Contempt.

TEST Applying to the Rules:

(1) Infinality of a Judgment, open cause, for a needed defense.

(2) As Defendant- can-not cause the action of Habeas-Corpus of Legal action in need of defense,

(3) A Justice, in need to Review a Decree, lay cause,of indefinate justice.

(4) If Fraud exist, a disclosure is needed, for a defense.

(5) If Authority are address, have caused a Rebuttal, in needed of defense.

To enforce the Extreme's of Justice, A "Clear erronous" Mistake had been made, Clear enough, to have caused a Haggel, in the Demand for Justice, of the Decree in lack of Finality.

The Contempt action, for the Attorney Fee's, was an abuse of descreation,

of the Incarceration, that caused an Encumber, of the Defendant, in having to purcure, A Mortgage Loan of 11,200. Doll ars needed, that was Record, Public Notice in the County Seat, needed for a Release of Contempt. The results was an Encumber. The decree Stated in Manner of Expressed Without the expressed consent, of the Defendant can-not Encumber Parties.

The lack of the Plaintiff upkeep in the property, it was left to deteriorate in Value. The Decrease Appraised Value, is the evidence of effect, of over 7½years of the Plaintiff Possession. Real Estate Appriciate constantly. The "Source-of Funds' in an escrow account,as Trustee, laid a grounds of concealment.The Entrusted escr-ow as resulted the Counsel Fraud. The pay ment made for release of Incarceration, was an excess of over payment, in their accounting. The Divorce Decree was a Spe-cificness in Contract in the Stated amount 25.00 paid weekly Alimoney, Until sold.

The specific of the Contract Language, that has farr exceeded, "Due on Cause"in contract under the Statutes of Limmitation, in Subsequent years, of Failure, of appellee, of her defiant, of the Court order, of an Immediate Sale. The Rental has caused a " Source of Funds"entrusted, in escrow, with intent to conceal, purpose of an enrichment of unjust funds, over paid, to the Respondent, in form's of Alimony.

September 30,1993

CLEMENT A.ST.HILAIRE
1133 Center St.
P.O. Box 3163
Auburn, Maine 04212